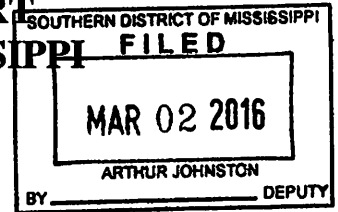


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE)	
)	
v.)	CIVIL ACTION NO. 1:15cv382-HSO-JCG
)	
VAUGHN PERRET, CHARLES LEARY &)	
DANIEL ABEL, D/B/A/ TROUT)	
POINT LODGE LTD OF NOVA SCOTIA)	
& IN THEIR INDIVIDUAL CAPACITIES)	
PROGRESS MEDIA GROUP LIMITED,)	
MARILYN SMULDERS, TORSTAR)	
CORPORATION, NATIONAL)	
GEOGRAPHIC SOCIETY INC., XYZ)	
FOUNDATION & JOHN DOES 1-50)	
)	

**REBUTTAL OF DEFENDANT NATIONAL GEORGRAPHIC SOCIETY'S
OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

MAY IT PLEASE THE COURT:

SUMMARY

Defendant National Geographic Society argues Slabbed New Media, LLC Publisher Douglas Handshoe lacks the capacity to assert claims on behalf of Slabbed New Media, LLC, an assertion of law to which Plaintiff agrees but this is the proverbial strawman argument. Publisher Handshoe correctly brings this civil action in his capacity of owner/Publisher of Slabbed New Media, LLC pursuant to Publisher's liability on behalf of himself, rather than Slabbed New Media, LLC.

LAW AND ARGUMENT

National Geographic contends the proposed Second Amended Complaint is futile. However the facts as alleged in the proposed Second Amended Complaint clearly state viable

claims. The takedown notices themselves are not specifically directed specific legal entity thought they were clearly submitted, under United States law to the United States of America using electronic communications. The lack of clarity in the takedown notices is not fatal to Publisher Handshoe's claims however because they could have been directed to Plaintiff in his capacity as Publisher under the common law theory of Publisher's liability.

In this instant matter the derivative Canadian litigation involving the United States Takedown Notices involved allegations of both Defamation and Copyright Infringement. The "Good Samaritan" clause of the Communications Decency Act found at 47 U.S.C. § 230(c) contains certain broad immunities for "provider or user of an interactive computer service" including that "no cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section." However, the immunities under Section 230 from the imposition of publisher's liability for defamation and similar torts do not include any laws pertaining to intellectual property.¹

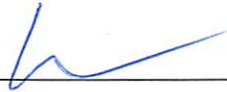
The Defendants Leary, Perret and Abel's spleen venting screeds that amazingly passed for a coherent civil complaint for damages in Canada ignored the legal owner of the website, Slabbed New Media, LLC. However the damages caused Plaintiff in his personal capacity and publisher of Slabbed New Media, LLC include both a monetary \$180,000 Canadian money judgment based upon the misrepresented United States Takedown Notices and loss of Publisher Handshoe's vital first amendment freedoms are very real and are sufficiently pleaded thus the proposed amended complaint is clearly not futile.

¹ 47 U.S.C. § 230 (e)(2)

CONCLUSION

For the reasons identified above, Plaintiff respectfully requests that the Honorable Court grant Plaintiff's motion for leave to file the proposed amended complaint. .

Respectfully submitted this 2nd day of March, 2016,

A handwritten signature in blue ink, appearing to read 'Douglas Handshoe', is written over a horizontal line.

Douglas Handshoe, Plaintiff
Post Office Box 788
110 Hall Street
Wiggins, MS 39577
(228) 284-0004
earning04@gmail.com

CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on March 2, 2016 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, certify that on March 2, 2016 I have sent a true and correct copy of the foregoing to the following via United States Mail:

Daniel G. Abel
C/O The Super 8 Motel / Desai Enterprises
2421 Clearview Parkway, Room 106
Metairie, LA 70001

Vaughn Perret
189 Trout Point Road
East Kemptville, NS B5A 5X9, Canada

Charles Leary
189 Trout Point Road
East Kemptville, NS B5A 5X9, Canada

Progress Media Group Ltd.
1202 - 1660 Hollis Street
Halifax, NS Canada B3J 1V7

Marilyn Smulders
5163 Duke Street
Halifax, NS, Canada B3J 3J6

Respectfully submitted this 2nd day of March, 2016,



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